

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

W.L., IV, AS NEXT FRIEND OF W.L., V,
A MINOR;

Plaintiff,

VS.

SCOTT ASH JAMES ZIRUS, CAMP
STEWART FOR BOYS INC.,

Defendants.

SA-19-CV-00607-FB

ORDER

Before the Court is the above-styled cause of action. On August 5, 2020, Defendant Scott Ash James Zirus, who is incarcerated, filed an Advisory [#96], informing the Court that he has not received copies of certain documents that he contends that he should have received from Plaintiffs. Zirus also stated that, although the Court ordered that discovery be limited initially to written discovery, he believes depositions are now appropriate. Zirus states that he has attempted to schedule depositions with Plaintiffs but has not received any response.

The Court ordered Plaintiffs to file a response to the advisory on or before August 17, 2020. Plaintiffs timely filed their response [#98], which informs the Court that they had inadvertently failed to provide certain additional responses to discovery to Zirus. Plaintiffs attach a copy of correspondence to Zirus to their response, which indicates they have now served the documents and corrected the error. Additionally, Plaintiffs response states that they had requested Zirus's deposition but he had indicated he was unable to sit for his deposition due to COVID-19 restrictions at the prison unit where he is currently being housed. Plaintiffs indicate they have also been unable to provide dates for depositions due to the pandemic but are now available for depositions via Zoom.

The Court has confirmed with the Texas Department of Criminal Justice (“TDCJ”) that it is permitting depositions at Zirus’s unit via videoconference using Zoom. To facilitate the depositions sought by either party in this case, the Court will direct the parties to engage in the following conference schedule. Once the Court has determined which depositions it will permit, Plaintiffs and Defendant Camp Stewart for Boys, Inc. shall confer on a videoconference deposition schedule, which will include an agreed date for the deposition of Zirus. The Court will then be able to enter an order to be sent to Zirus’s unit with the applicable information such that TDCJ may ensure Zirus’s participation.

IT IS HEREBY ORDERED that Zirus provide Plaintiffs with a list of witnesses he seeks to depose and include a brief description of why he believes each witness has knowledge of relevant evidence on or before **August 28, 2020**. Zirus is instructed to file a copy of this list with the Court.

IT IS FURTHER ORDERED that Plaintiffs (and Defendant Camp Stewart for Boys, Inc.) file any objections to these depositions on or before **September 11, 2020**. Any objections shall be both served on Zirus and filed with the Court.

IT IS SO ORDERED.

SIGNED this 14th day of August, 2020.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE